

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA – CIVIL DIVISION**

Imagos Films, LLC	§	
d/b/a Imagos Softworks,	§	
and Don Thacker, individually	§	
Plaintiffs,	§	No.: 2:17-cv-02964-BMS
	§	
v.	§	
	§	CIVIL ACTION
Alex Mauer,	§	COMPLAINT FOR PROPERTY
Defendant.	§	RIGHTS INFRINGEMENT
	§	
	§	

**MOTION TO STRIKE THE ANSWER OF ALEX MAUER AND/OR MOTION FOR
CONTEMPT**

Plaintiff hereby Requests the Court Strike Defendant Alex Mauer’s Answer on the grounds that Defendant has failed to file a timely response. Defendant had actual notice and meaningful participation with the Court. Defendant’s untimely response should be struck and a Default entered by the Clerk. Plaintiff avers the following in support thereof:

1. The Complaint was filed in this case on June 30th, 2017;
2. The Summons and Complaint were duly served upon the Defendant by email with consent on July 3rd, 2017;
3. The First Amended Complaint was filed and Summons issued on July 7th, 2017, to correct Defendant’s first name;
4. The First Amended Complaint and Summons were served on Defendant on July 7th, 2017, via email with consent;
5. Defendant was present before Judge Schiller and participated in the setting of Defendant’s deadlines to find an attorney and Answer the First Amended Complaint by August 21st, 2017, and September 25th, 2017, respectively.

6. Defendant has failed to file or serve a timely Answer or Response, or to request an extension of time to respond, or to otherwise plead or defend as provided by the Federal Rules of Civil Procedure and as Ordered by this Honorable Court.
7. Plaintiffs filed a Request for Default under FRCP 55(a) on September 26th, 2017, at approximately 12:44 PM.
8. Defendant was served a copy of Plaintiffs' Request for Default on September 26th, 2017, at approximately 12:52 PM by email as consented to by Defendant.
9. Defendant attempted to file an untimely response at approximately 3:50 PM on September 26th, 2017, and three hours after service of Plaintiff's Request for Default.
10. Two days later, on September 28th, 2017, the Clerk entered Defendant's signed Answer on the Record.
11. Plaintiff respectfully requests that Defendant's Answer be Struck and Default be entered against her — along with any other relief the Court deems appropriate.
12. In the alternative, Plaintiff Moves to hold Defendant in Contempt for disobedience of the Court's July 19th, 2017 Order as well as for Sanctions under Federal Rule of Civil Procedure 11. Plaintiffs Request Defendant's Answer be Struck as a remedy — along with any other relief the Court deems appropriate.

Respectfully Submitted,

/s/leonardjfrench
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